IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Himmat Singh
Vs.
Zahid Ali and anr.

SB CRIMINAL MISC.PETITION NO.845/2003
under Section 482 Cr.P.C.

Date of Order :- **5/9/2006.**

P R E S E N T
HON'BLE MR.JUSTICE HARBANS LAL

None present for the petitioner.
Mr. Arun Sharma PP for the State.

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The instant petition under Section 482 Cr.P.C. seeks quashing of the order dated 21/2/2003 passed by the learned Additional Sessions Judge, Hindaun City in Revision No.15/2002 whereby the revision has been dismissed and the order dated 4/1/2002 passed by the learned Additional Judicial Magistrate No.1, Hindaun City in Criminal Complaint Case No.50/2001 taking cognizance for the offences under Sections 341 and 323 IPC has been upheld.

Since the present petition

has been filed for quashing of the criminal proceedings pending in the Court of learned Additional Civil Judge (Junior Division) and Judicial Magistrate, Ist Class, No.13, Jaipur City, Jaipur in Criminal Case No.133/2001 for offences u/Ss.323, 498-A and 406 I.P.C. and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961.

The brief and relevant facts of the case are

that complainant-Respondents No.1 and 2 filed a complaint in the court of learned Addl.Civil Judge (Jr.Div.) and Judicial Magistrate, Ist Class No.13, Jaipur City, Jaipur against the accused-petitioners for committing offences u/Ss. 323, 498-A and 406 I.P.C. and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 against them by the accused-petitioners.

The complaint was sent to the police for investigation under Section 156(3) Cr.P.C. whereupon the police after investigation filed charge-sheet against petitioners for the offences as indicated above on 30/9/2001 vide Charge-sheet No.44/2001.

It is contended on behalf of the parties that the parties have now arrived at a compromise.

The parties are present in court and have submitted a deed of compromise duly signed by them which be taken on record. They have also been got identified in court by their respective counsel.

Learned counsel for the parties have jointly submitted that now the parties have arrived at a compromise. Therefore, the criminal proceedings pending before the court below may be quashed so that there may not be any more bitterness between them and they may live their life peacefully. They have submitted on the strength of **B.S. Joshi & Ors. Vs. State of Haryana and another- [2003 RCC (SC) 400]** that the High Court in exercise of its inherent powers can quash criminal proceedings /F.I.R. /

complaint and Section 320 Cr.P.C. does not affect or limit the inherent powers vested in this Court under Section 482 Cr.P.C.

Keeping in view the law laid down by their Lordships of the Hon'ble Apex Court in the aforementioned authority and considering the facts and circumstances of the present case, the criminal proceedings pending between the parties in the court 1119/2005

below deserve to be quashed for securing the ends of justice.

In the result, this criminal misc.petition u/S.482 Cr.P.C. is allowed and the criminal proceedings pending in the Court of learned Additional Civil Judge (Junior Division) and Judicial Magistrate, Ist Class No.13, Jaipur City, Jaipur in Criminal Case No.133/2001 for offences u/Ss.323, 498-A and 406 I.P.C. and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 are hereby quashed.

(HARBANS LAL), J.

anil

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Mohd.Aslam and anr.
Vs.
Smt.Salma and ors.

S.B. CR.MISC.STAY APPLICATION NO.1341/2006
IN
SB CRIMINAL MISC.PETITION NO.1119/2005
under Section 482 Cr.P.C.

Date of Order :- **4/9/2006.**

P R E S E N T
HON'BLE MR.JUSTICE HARBANS LAL

Mr. M.I. Beg for the applicants-petitioners.
Mr. Arun Sharma PP for the State.
Mr. Mohd.Anees for the respondents.

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BY THE COURT:-

Consequent upon disposal of the main petition today itself, this stay application has become infructuous.

As such, this stay application under Section 482 Cr.P.C. is dismissed as having infructuous.

(HARBANS LAL), J.

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